fortified with Vitamin D * * * Guaranteed Analysis * * * Iodine (1) Trace", regarding the respective products and the statement "Vitamized" regarding all products borne on the labels were false and misleading, since the said sheep compound contained no fenugreek, no powdered African ginger, no cod-liver oil fortified with vitamin D, no potassium iodide, no yeast, no iodine; the said poultry compound contained no capsicum, no powdered capsicum, no African ginger, no powdered African ginger, no cod-liver oil fortified with vitamin D, no yeast, lime (CaO) not more than 28.7 percent and no iodine; and the said hog compound was alleged to contain no American wormseed, no potassium iodide, no ginger, no molasses, no columbo yeast, no cod-liver oil fortified with vitamin D, no iodine, and the said products were not vitamized.

On November 12, 1934, a jury trial having been waived the case was tried to the court. After the submission of evidence and argument of counsel, the court took the case under advisement and on November 16, 1934, adjudged the defendant company guilty on counts 1, 2, 3, and 4 covering the compounds for sheep and poultry, and not guilty on counts 5 and 6 covering the compound for hogs. A penalty of $200 fine and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24032. Adulteration and misbranding of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, quinine sulphate pills and fluidextract ergot; and misbranding of elixir of amidopyrine. U. S. v. Blackman & Blackman, Inc., and Theodore A. Blackman. Pleas of guilty. Fines, $350 against each defendant; suspended as to Theodore A. Blackman. (F. & D. no. 30339. Sample nos. 20920–A, 20921–A, 21333–A, 21334–A, 21336–A, 21338–A, 21341–A, 21600–A.)

The offense charged in this case was the interstate shipment of various pharmaceuticals consisting of 2 lots of elixir amidopyrine that contained less alcohol than declared on the label; 1 lot each of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, and quinine sulphate pills that contained smaller amounts of the said drugs than declared on the labels; and 2 lots of fluidextract of ergot which failed to conform to the standard laid down in the United States Pharmacopoeia, a sample taken from one shipment having been found to have a potency one half of that required by the pharmacopoeia, and a sample from the other shipment having been found to have a potency of not more than one fifth of that required.

On April 12, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Blackman & Blackman, Inc., and Theodore A. Blackman, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, between the dates of July 12, 1932, and February 9, 1933, from the State of New York into the State of New Jersey, of quantities of sodium phenobarbital tablets, barbital tablets, cinchophen tablets, quinine sulphate pills, and fluidextract of ergot, which were adulterated and misbranded; and of quantities of elixir of amidopyrine which was misbranded. The articles were labeled, variously, "Premo Elixir of Amidopyrine 20% Alcohol"; "1½ Grs. Each Premo Preminal Brand of Sodium Phenobarbital"; "Premo 5 Grs. Each Barbital"; "Premo 7½ Gr. Cinchophen Acid Phenylcinchoninic U. S. P. Tablets"; "Pills * * * Premo Quinine Sulphate U. S. P. 2 Grs. (1.30 Mgms.) Each"; "Fluid Extract Ergot U. S. P. * * * Physiologically tested strictly according to the U. S. P. Cockscomb Method * * * very low temperatures used throughout the process doubly insures maximum activity. Dose: 15 to 60 minims (1 to 4 Cc.)." The articles were further labeled: "Premo Pharmaceutical Laboratories [or "Premo Laboratories"] New York, N. Y."

The information charged that the sodium phenobarbital tablets, barbital tablets, cinchopen tablets, and quinine sulphate pills were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold in the following respects: Each of the sodium phenobarbital tablets was represented to contain 1½ grains of sodium phenobarbital, whereas each tablet contained less than 1½ grains, namely, not more than 1.281 grains of sodium phenobarbital; each of the barbital tablets was represented to contain 5 grains of barbital, whereas each of the tablets contained less than 5 grains, namely, not more than 4.457 grains of barbital; each of the cinchophen tablets was represented to contain 7½ grains of cinchophen, whereas each of the tablets contained less than 7½ grains, namely, not more than 6.159 grains, of cinchophen; and each of the quinine sulphate pills was represented to contain 2 grains of quinine sulphate, whereas each of the

said pills contained less than 2 grains, namely, not more than 1.769 grains, of quinine sulphate.

Adulteration of the fluidextract of ergot was alleged for the reason that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in that the article, when administered by intramuscular injection to single-combed white leghorn cocks required more than 0.5 cubic centimeters for each kilogram of body weight of cock to produce a darkening of the comb corresponding in intensity to that caused by the same dose of the standard fluidextract of ergot; whereas the pharmacopoeia provides that fluidextract of ergot, when administered by intramuscular injection to single-combed, white Leghorn cocks shall require a dose not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock to produce a darkening of the comb corresponding in intensity to that caused by the same dose of the standard fluidextract of ergot; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the fluidextract of ergot was alleged for the further reason that the strength and purity of the article fell below the professed standard of quality under which it was sold, since it was represented to be fluidextract of ergot which conformed to the pharmacopoeial standard; whereas it was not.

Misbranding of the elixir amidopyrine was alleged for the reason that the statement "20% Alcohol", borne on the label, was false and misleading since the article contained less than 20 percent of alcohol, the two shipments containing not more than 16.57 and 15.81 percent, respectively, of alcohol. Misbranding of the elixir of amidopyrine was alleged for the further reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the sodium phenobarbital tablets, barbital tablets, cinchophen tablets, and quinine sulphate pills was alleged for the reason that the statements, "Tablets 1½ grains each * * * Sodium Phenobarbital", "100 Tabs. * * * 5 Grs. Each Barbital", "7½ Gr. Cinchophen * * * Tablets", "Pills * * * Quinine Sulphate 2 Grs. * * * each", borne on the labels, were false and misleading since the tablets and pills contained smaller amounts of the said drugs than declared on the labels. Misbranding of the fluidextract of ergot was alleged for the reason that the statements, "Fluid Extract Ergot U. S. P. * * * Physiologically tested strictly according to the U. S. P. Cockscomb Method * * * The very low temperatures used throughout the process doubly insures maximum activity. Dose: 15 to 60 minims (1 to 4 cc)", borne on the label, were false and misleading, since the article was not fluidextract of ergot which conformed to the standard laid down in the United States Pharmacopoeia, it was not physiologically tested strictly according to the U. S. P. cockscomb method, and a dose of 15 to 60 minims (1 to 4 cc) of the article would not insure maximum activity.

On November 13, 1934, a plea of guilty was entered on behalf of Blackman & Blackman, Inc., and the court imposed a fine of $350. On the same date Theodore A Blackman entered a plea of guilty and the court imposed a fine of $350, which was suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

24033. Adulteration and misbranding of Unguentum. U. S. v. Three 1-Pound Cans and 39 Tubes of Unguentum. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction.
(F. & D. no. 30870. Sample nos. 42966–A, 42967–A.)

This case involved a product sold under a name recognized in the United States Pharmacopoeia but which differed from the official product. The labels of the article contained unwarranted curative and therapeutic claims. The labeling on the 1-pound cans represented that the article was an antiseptic and germicide, whereas tests showed that it was not.

On August 8, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 1-pound cans and 39 tubes of Unguentum at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about April 6 and July 10, 1933, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.